

02-18-05

DAE



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Attorney Docket No. 37167-8040.US01 (13724-850)

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Date: February 16, 2005

By: Lynnea B. Anderson
Lynnea B. Anderson

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Johnson *et al.*

SERIAL No.: 09/916,235

FILED: July 25, 2001

FOR: **METHOD FOR DETECTING AND TREATING TUMORS
USING LOCALIZED IMPEDANCE**

EXAMINER: Vrettakos

ART UNIT: 3739

CONFIRMATION No.: 6858

DATE OF NOTICE OF ALLOWANCE:
SEPTEMBER 22, 2004

Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. On December 15, 2004, the USPTO apparently mailed a Notice of Drawing Inconsistency with Specification with a non-extendable time period for response of one month or thirty days. Thus, a response was due by January 15, 2005.
2. On January 25, 2005, Applicants received the Notice referenced in item 1, that is, after the due date for response.
3. I, Jacqueline F. Mahoney, declare and affirm the Notice of Drawing Inconsistency mailed on December 15, 2004 was received in our office on January 25, 2005.

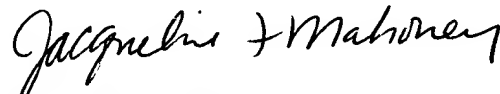
4. Applicants submit herewith a true copy of the mail log showing the mail received on January 25, showing receipt of the Notice.

5. Accordingly, Applicants respectfully request withdrawal of the holding of abandonment based on failure to timely receive the Notice.

6. Applicants further request the amendments set forth in Appendix A be made by Examiner's Amendment in response to the Notice of Drawing Inconsistency. In the event the amendments cannot be made by Examiner's Amendment, Applicants request the Notice of Drawing Inconsistency be re-mailed.

7. No fees are believed due with this petition, however, the Commissioner is authorized to charge any fees deemed due for timely consideration of this petition to Deposit Account No. 50-2207.

Respectfully submitted,



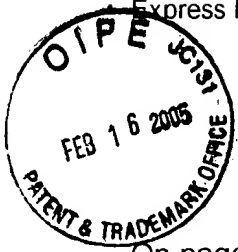
Jacqueline F. Mahoney
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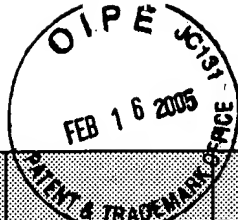
**Appendix A**Amendments to the Specification

On page 7, please replace the paragraph starting on line 9 with the following:

Figures 15a-15f are lateral views illustrating various configurations of the electrode including ring-like, ball, hemispherical, cylindrical, conical and needle-like. Figures 15g-15h are lateral views illustrating distal-end structure associated with the electrodes.

On page 31, please replace the paragraph starting on line 18 with the following:

In various embodiments, electrodes 18e including impedance sensors 22 and sensing members 22m can have a variety of shapes and geometries. Referring now to Figures 15a-15f, example shapes and geometries can include, but are not limited to, ring-like, ball, hemispherical, cylindrical, conical, needle-like and combinations thereof. Figures 15g and 15h show a needle electrode 18e and 18, respectively, having at least one injection port, such as ports 23, through which fluid material can be injected. Guidewire 15 is used to position the introducer 12 and/or electrode. Referring to Figure 16, in an embodiment electrode 18e can be a needle with sufficient sharpness to penetrate tissue including fibrous tissue including, encapsulated tumors cartilage and bone. The distal end 18de of electrode 18e can have a cut angle 68 that ranges from 1 to 60°, with preferred ranges of at least 25° or, at least 30° and specific embodiment of 25° and 30°. The surface of electrode 18e can be smooth or textured and concave or convex. Electrode 18e can have different lengths 38 that are advanced from distal end 16' of introducer 12. The lengths can be determined by the actual physical length of electrode(s) 18e, the length 38' of an energy delivery surface 18eds of electrode 18e and the length, 38" of electrode 18e that is covered by an insulator 36. Suitable lengths 38 include but are not limited to a range from 1-30 cms with specific embodiments of 0.5, 1, 3, 5, 10, 15 and 25.0 cm. The conductive surface area 18eds of electrode 18e can range from 0.05 mm² to 100 cm². The actual lengths of electrode 18e depend on the location of tissue site 5' to be ablated, its distance from the site, its accessibility as well as whether or not the physician performs an endoscopic or surgical procedure. While the conductive surface area 18eds depends on the desired ablation volume 5av to be created.



Date	To	From	Docket Number	Serial Application No.	Information
01/25/05	MM	Creagri			Executed Documents
01/25/05	JFM	PCT	55325-8178.WO00	US04/41170	PCT/RO/102
01/25/05	JMM	PCT	55600-8011.WO00	US03/31999	PCT/IB/332
01/25/05	SM	PCT		US03/19674	PCT/IB/306
01/25/05	SM	PCT	42361-8003.WO01	US04/18145	PCT/IB/308
01/25/05	PLH	PCT	59273-8004.WO01	US01/06537	PCT/IPEA/408
01/25/05	BRC	PCT	37469-8029.WO01	US04/24453	PCT/ISA/220
01/25/05	GVT	PCT	59010-8002.WO01	US04/20302	Publication
01/25/05	JPK	EPO	36321-8024.WO01	US03/26637	EP Allotted Application No.
01/25/05	PJD	PCT	50450-8063.WO00	US04/35121	PCT/IB/301
01/25/05	NS	PCT	43108-8001.WO01	US04/31414	PCT/IB/317
01/25/05		PCT	52325-8020.WO00	IB04/03704	PCT/ISA/202
01/25/05	JFM	PCT	40271-8003.WO00	US04/34991	PCT/IB/301
01/25/05	JFM	PCT	40271-8003.WO00	US04/34991	PCT/IB/304
01/25/05	BRC	PCT	42441-8001.WO01	US04/41207	PCT/RO/102
01/25/05	BRC	USPTO		78/147,437	Notice of Revival of Application
01/25/05		USPTO	42841-8022.US01	10/979,836	Filing Receipt
01/25/05		USPTO	59333-8008.US01	09/626,012	Issue Notification
01/25/05		USPTO	37167-8040.US01	09/916,235	Notice of Drawing Inconsistency
01/25/05		USPTO	5525-8060.US00	10/449,010	Notice of Acceptance of PoA
01/25/05		USPTO	37167-8039.US01	09/823,910	Supp. Notice of Allowability
01/25/05		USPTO	59629-8011.US01	10/679,051	Advisory Action
01/25/05		USPTO	50450-8050.US00	10/836,804	Notice of Publication of Application
01/25/05		USPTO	34499-8002.US01	10/619,948	Notice of Publication of Application
01/25/05		USPTO	59501-8016.US01	09/225,198	Issue Notification
01/25/05		USPTO	59173-8026.US01	10/881,412	Notice of Publication of Application
01/25/05		USPTO	59228-8003.US01	10/686,593	Notice of Publication of Application
01/25/05		USPTO	40121-8002.US00	60/638,009	Filing Receipt
01/25/05		USPTO	55325-8160.US01	10/964,059	Filing Receipt
01/25/05	PLH	USPTO	59183-8054.US01	10/201,657	Notice of Allowance/Allowability
01/25/05		USPTO	57263-8001.US00	60/638,304	Filing Receipt
01/25/05		USPTO	50450-8037.US01	10/893,086	Notice of Publication of Application
01/25/05		USPTO	37469-8008.US01	10/169,485	Final Office Action
01/25/05		USPTO	9150-0008.10	09/555,704	Letters Patent Copies
01/25/05		USPTO	0450-0039.30	09/900,115	Letters Patent Copies
01/25/05		USPTO	37469-8038.US01	29/197,544	Letters Patent
01/25/05		USPTO	55525-8055.US00	09/934,020	Decision on Petition "GRANTED"
01/25/05	BRC	USPTO		78/912,267	ABC Lin. V. Thrive Capital
01/25/05		USPTO	55325-8167.US05	10/371,169	Issue Notification
01/25/05		USPTO	59472-8023.US01	10/162,046	Letters Patent & Copies
01/25/05	BRC	USPTO		78/291,279	ABC Lin. V. Thrive Capital
01/25/05		USPTO	4600-0183.26	09/851,410	Advisory Action
01/25/05		USPTO	43390-8004.US01	10/778,901	Updated Filing Receipt
01/25/05		USPTO	59023-8001.US01	10/938,122	Updated Filing Receipt
01/25/05		USPTO	59296-8001.US02	10/991,444	Filing Receipt
01/25/05		USPTO	59150-8028	10/498,718	Notification Missing Requirements
01/25/05		USPTO	59173-8026.US01	10/881,412	Notice of Recordation of Assignment
01/25/05		Gowlings	0450-0011.40	2,252,706	Status Report
01/25/05	MM	Gowlings	0450-0302.40	2,258,882	Status Report
01/25/05	JPK	Fujimoto	59472-8013.JP01	2000-515387	Voluntary Amendment Filed Confirm.
01/25/05	MM	Gowlings	54800-8023.CA00		Filing Confirmation
01/25/05	MM	Univer. Of Florida	55600-8201.CN01	200410092997.4	Executed Documents
01/25/05	JLH	Lee, Tsai	37469-8040.TW01	94101120	Filing Receipt
01/25/05	JLH	Lee, Tsai	37469-8037.TW01	94101119	Filing Receipt

01/25/05	JLH	Lee, Tsai	37469-8035.TW01	94101118	Filing Receipt
01/25/05	MM	Mehmet Gun	54800-8023.TR00		Filing Confirmation
01/25/05	MM	Yamamoto	38779-8001.JP01	2003-587323	ID No.
01/25/05	MM	Yamamoto	38779-8001.JP01	2003-587323	Filing Confirmation
01/25/05		CPA	37469-8079.EP01	99903416.8	Invoice